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April 14, 2004

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Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**Art Unit 3738**

Re: U.S. Utility Patent Application  
Application No. 10/712,376; Filed: November 14, 2003  
For: **Methods and Apparatus For Conformably Sealing Prostheses Within  
Body Lumens**  
Inventors: Fogarty *et al.*  
Our Ref: P510 DIV2 (1737.1480002/TUM)

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Information Disclosure Statement;
2. A list of cited documents on PTO/SB/08a Form (three sheets);
3. A list of cited documents on PTO/SB/08b Form (one sheet); and
4. Return postcard.

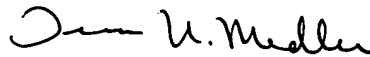
It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents  
April 14, 2004  
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Teresa U. Medler  
Attorney for Applicants  
Registration No. 44,933

TUM/hmb  
Enclosures

252339



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Fogarty *et al.*

Appl. No.: 10/712,376

Filed: November 14, 2003

For: **Methods and Apparatus For  
Conformably Sealing Prostheses  
Within Body Lumens**

Confirmation No.: 9595

Art Unit: 3738

Examiner: *To Be Assigned*

Atty. Docket: P510 DIV2 (1737.1480002)

**Information Disclosure Statement**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed on accompanying PTO/SB/08a and PTO/SB/08b forms are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO/SB/08a and PTO/SB/08b forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may

not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicants have checked the appropriate boxes below.

- ☐ 1. Statement under 37 C.F.R. 1.704(d). Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this information disclosure statement.
- ☒ 2. Filing under 37 C.F.R. § 1.97(b). This Information Disclosure Statement is being filed within three months of the date of filing of a national application other than a continued prosecution application (CPA), OR within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, OR before the mailing date of a first Office Action on the merits OR before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.
- ☐ 3. Filing under 37 C.F.R. § 1.97(c). This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final

Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.

- ☐ a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- ☐ b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ☐ c. Attached is our PTO-2038 Credit Card Payment Form in the amount of \$\_\_\_\_\_ in payment of the fee under 37 C.F.R. § 1.17(p).
- ☐ 4. Filing under 37 C.F.R. § 1.97(d) This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Enclosed find our PTO-2038 Credit Card Payment Form in the amount of \$\_\_\_\_\_ in payment of the fee under 37 C.F.R. § 1.17(p); in addition:

- ☐ a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- ☐ b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ☐ 5. The document(s) was/were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38.
- ☐ 6. A concise explanation of the relevance of the non-English language document(s) appears below:
- ☐ 7. Copies of the documents are submitted herewith.
- ☒ 8. Copies of the documents were cited by or submitted to the Office in an IDS that complies with 37 C.F.R. § 1.98(a)-(c) in U.S. Appl. No. 09/008,686, filed

January 16, 1998 and/or U.S. Appl. No. 08/525,989, filed September 8, 1995, which are relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO/SB/08a and PTO/SB/08b forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

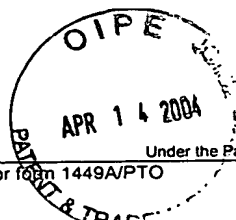
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Teresa U. Medler  
Attorney for Applicants  
Registration No. 44,933

Date: April 14, 2004

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Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				<b>Complete If Known</b>	
				Application Number	10/712,376
				Filing Date	November 14, 2003
				First Named Inventor	Fogarty <i>et al.</i>
				Art Unit	3738
				Examiner Name	To Be Assigned
Sheet 1 of 4				Attorney Docket Number	P510 DIV2 (1737.1480002/TUM)

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (If Known)			
	AA1	US-3,890,107	06-17-1975	White <i>et al.</i>	
	AB1	US-3,991,767	11-16-1976	Miller, Jr. <i>et al.</i>	
	AC1	US-4,130,904	12-26-1978	Whalen	
	AD1	US-4,577,631	03-25-1986	Kreamer	
	AE1	US-4,580,568	04-08-1986	Gianturco	
	AF1	US-4,728,328	03-01-1988	Hughes <i>et al.</i>	
	AG1	US-5,092,841	03-03-1992	Spears	
	AH1	US-5,100,429	03-31-1992	Sinofsky <i>et al.</i>	
	AI1	US-5,156,620	10-20-1992	Pigott	
	AJ1	US-5,167,614	12-01-1992	Tessmann <i>et al.</i>	
	AK1	US-5,213,580	05-25-1993	Slepian <i>et al.</i>	
	AL1	US-5,295,962	03-22-1994	Crocker <i>et al.</i>	
	AM1	US-5,330,528	07-19-1994	Lazim	
	AN1	US-5,334,201	08-02-1994	Cowan	
	AO1	US-5,344,426	09-06-1994	Lau <i>et al.</i>	
	AP1	US-5,344,444	09-06-1994	Glastra	
	AQ1	US-5,348,788	09-20-1994	White	
	AR1	US-5,354,329	10-11-1994	Whalen	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>4</sup> Kind Code <sup>5</sup> (in known)				
	BA1	EP 0521573 A2	01-07-1993	Glastra		
	BB1	EP 0684022 A2	1-29-1995	Johansson <i>et al.</i>		
	BC1	EP 0689806 A2	01-03-1996	Lentz		
	BD1	WO 80/01460	07-24-1980	Silander		
	BE1	WO 94/21324	09-29-1994	Ahari <i>et al.</i>		
	BF1	WO 94/24962	11-10-1994	Hubbell <i>et al.</i>		

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				<b>Complete If Known</b> Application Number: 10/712,376 Filing Date: November 14, 2003 First Named Inventor: Fogarty <i>et al.</i> Art Unit: 3738 Examiner Name: To Be Assigned Attorney Docket Number: P510 DIV2 (1737.1480002/TUM)	
Sheet	2	of	4		

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	AA2	US-5,462,704	10-31-1995	Chen <i>et al.</i>	
	AB2	US-5,489,295	02-06-1996	Piplani <i>et al.</i>	
	AC2	US-5,522,880	06-04-1996	Barone <i>et al.</i>	
	AD2	US-5,522,881	06-04-1996	Lentz	
	AE2	US-5,562,727	10-08-1996	Turk <i>et al.</i>	
	AF2	US-5,618,301	04-08-1997	Hauenstein <i>et al.</i>	
	AG2	US-5,628,784	05-13-1997	Strecker	
	AH2	US-5,674,241	10-07-1997	Bley <i>et al.</i>	
	AI2	US-5,676,696	10-14-1997	Marcade	
	AJ2	US-5,683,450	11-04-1997	Goicoechea <i>et al.</i>	
	AK2	US-5,693,085	12-02-1997	Buirge <i>et al.</i>	
	AL2	US-5,693,088	12-02-1997	Lazarus	
	AM2	US-5,749,915	05-12-1998	Slepian	
	AN2	US-5,769,882	06-23-1998	Fogarty <i>et al.</i>	
	AO2	US-5,785,679	07-28-1998	Abolfathi <i>et al.</i>	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>4</sup> Kind Code <sup>5</sup> (in known)				
	BA2	WO 95/29647	11-09-1995	Burmeister <i>et al.</i>		
	BB2	WO 95/32688	12-07-1995	Lindenberg <i>et al.</i>		
	BC2	WO 95/33422	12-14-1995	Stoltze <i>et al.</i>		
	BD2	WO 95/34255	12-21-1995	Papazoglou		
	BE2	WO 96/00103	01-04-1996	Colone		
	BF2	WO 97/03717	02-06-1997	Hogendijk <i>et al.</i>		

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form 1449A/PTO

(Use as many sheets as necessary)

Sheet

3

of

4

**Complete If Known**

**Application Number**

10/712.376

Filing Date

November 14, 2003

First Named Inventor

Fogarty *et al.*

AR Unit

3738

**Examiner Name**

### *To Be Assigned*

**Attorney Docket Number**

P510 DIV2

(1737.1480002/TUM)

[illegible]

**FOREIGN PATENT DOCUMENTS**

[illegible]

Examiner Signature		Date Considered	
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<sup>1</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>2</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>3</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>4</sup>Applicant is to place a check mark here if English language Translation is attached.

here if English language transaction is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

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Substitute for form 1449B/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				<b>Complete If Known</b>			
				Application Number		10/712,376	
				Filing Date		November 14, 2003	
				First Named Inventor		Fogarty <i>et al.</i>	
				Art Unit		3738	
				Examiner Name		To Be Assigned	
Sheet	4	of	4	Attorney Docket Number		P510 DIV2 (1737.1480002/TUM)	

### NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
	CA1	de Vries, A.C. <i>et al.</i> "Instant Tubular Prosthesis: A Totally New Concept," International Congress VIII Endovascular Interventions, February 1994.	
	CB1	Kjaergard, H.K. <i>et al.</i> "Autologous Fibrin Glue for Sealing Vascular Prostheses of High Porosity," <i>Cardiovascular Surgery</i> , February 1994, vol. 2, No. 1, p. 45-46.	
	CC1	World Medical Manufacturing Corporation Internet WEB Page Information, downloaded Aug. 4, 1997.	

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with M PEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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